

REMARKS

Claims 1-35, 38, and 41-55 are pending and stand rejected. Claims 1, 16-19, 38, 41-43, 49, 52, and 53 have been amended. Claim 15 has been canceled. Reconsideration and allowance of Claims 1-14, 16-35, 38, and 41-55 is respectfully requested in view of the above amendments and following remarks.

The independent claims have been amended to recite that the absorbent composite includes one or more fibrous bands in a fibrous base, wherein the base includes a fibrous matrix and superabsorbent material, and wherein the bands are substantially free of superabsorbent material.

The Rejection of Claims 30-33 and 35 under 35 U.S.C. § 112, First and Second Paragraphs

Claims 30-33 and 35 stand rejected under 35 U.S.C. § 112, first and second paragraphs. Claims 30-33 and 35 depend from Claim 1, which has been amended to recite that the fibrous matrix is substantially free of superabsorbent material. In view of the amendment to Claim 1, withdrawal of these grounds for rejection is respectfully requested.

The Rejection of Claims 1-3, 5, 11, 12, 15-18, 38, 41, and 45-47 Under 35 U.S.C. § 102(b)

Claims 1-3, 5, 11, 12, 15-18, 38, 41, and 45-47 stand rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 5,613,962, issued to Kenmochi et al. Withdrawal of this grounds for rejection is respectfully requested for the following reasons.

The Kenmochi reference describes an absorbent article that includes a core (4) made of fluff pulp fibers or fluff pulp fibers and superabsorbent material, a fluid diffusing sheet (5), and a plurality of stripe-zones (8) made of hydrophobic thermoplastic synthetic resin. See column 2, lines 35-62. The plurality of stripe-zones is illustrated as reference numeral 8 in FIGURES 2-4. As is clear from the figures, the plurality of stripe-zones (8) is positioned on the upper surface of diffusing sheet (5). See also column 2, lines 55-60.

LAW OFFICES OF
CHRISTENSEN O'CONNOR JOHNSON KINDNESS^{PLLC}
1420 Fifth Avenue
Suite 2800
Seattle, Washington 98101
206.682.8100

In contrast to the fibrous bands of the claimed invention, which are "in" a fibrous base, the plurality of stripe-zones described in the Kenmochi reference are "on" the upper surface of a diffusing sheet. Furthermore, the plurality of stripe-zones is formed by an extrusion-molded thermoplastic synthetic resin. In contrast, the bands of the composite of the claimed invention are fibrous. Because the cited reference does not describe a composite having one or more fibrous bands in a fibrous base, the reference fails to describe the claimed invention and is not anticipatory. Withdrawal of this grounds for rejection is respectfully requested.

The Kenmochi reference also fails to suggest, provide any motivation to make, or otherwise render obvious the claimed invention. The thermoplastic stripe-zones described in the reference are hydrophobic and are intended to guide, without absorbing, bodily fluids. In contrast, the fibrous bands of the claimed invention are hydrophilic and absorb and wick bodily fluids to the fibrous matrix where the fluids are ultimately retained. The reference fails to teach or suggest the fibrous bands of the claimed composite.

The Rejection of Claims 1, 4-9, 11-13, 20, 24-35, 38, 41, and 45-47 Under 35 U.S.C. § 102(b)

Claims 1, 4-9, 11-13, 20, 24-35, 38, 41, and 45-47 stand rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 5,733,273, issued to Ahr. Withdrawal of this grounds for rejection is respectfully requested for the following reasons.

The Ahr reference describes an absorbent member with high density absorbent wicking strips. The absorbent member (10) comprises an absorbent medium (14) having a low density fibrous medium and a plurality of absorbent strips (12) having a higher density than the absorbent medium and which are distributed throughout the absorbent medium. See column 1, lines 53-58, and FIGURES 1-4. At column 5, lines 13-16, the reference states that "value added particles [superabsorbents] can comprise up to 99 percent by weight of the absorbent strips,

preferably less than 67 percent by weight and most preferably 33-50 percent by weight" of the absorbent strips.

In contrast to the absorbent member described in the Ahr reference having up to 99 percent by weight of the absorbent strips, preferably less than 67 percent by weight, and most preferably 33-50 percent by weight superabsorbent material, the fibrous bands of the claimed composite are substantially free of superabsorbent. Because the cited reference describes a member having absorbent strips that include, at a minimum, 33 percent by weight superabsorbent, the reference fails to exactly describe the claimed invention, which has fibrous bands that are substantially free of superabsorbent material. Because the Ahr reference fails to exactly describe the claimed invention, the reference is not anticipatory. Withdrawal of this grounds for rejection is respectfully requested.

Because the Ahr reference describes an absorbent member that includes absorbent strips that have at least one-third of the strips' weight being superabsorbent, the reference also fails to suggest, provide an motivation to make, or otherwise render obvious the claimed invention, a composite having fibrous bands that are substantially free of superabsorbent material.

The Examiner concludes that, at 33 percent by weight superabsorbent, the absorbent strips described in the Ahr reference are "primarily free of superabsorbent material," and cites *Bliss Co. v. Cold Metal Process Co.*, 122 U.S.P.Q. 238, as support for this proposition. Applicants respectfully disagree with the Examiner's conclusion and the basis upon which the Examiner relies. The court in *Bliss* stated "The word substantial does not connote small or meager. It would include the high range of principally or entirely." *Bliss* at 259. Similarly, Merriam-Webster's Collegiate Dictionary, Tenth Edition, defines "substantial" as "being largely but not wholly that, which is specified." It follows then that the recited phrase "substantially free of superabsorbent material" has the meaning "principally or entirely free of superabsorbent

LAW OFFICES OF
CHRISTENSEN O'CONNOR JOHNSON KINDNESS^{PLLC}
1420 Fifth Avenue
Suite 2800
Seattle, Washington 98101
206.682.8100

material" or "being largely but not wholly free of superabsorbent material." Applicants submit that an absorbent strip that includes 33 percent (i.e., fully one-third) by weight superabsorbent material is not, by any stretch, "substantially free of superabsorbent material". Applicants respectfully request that the Examiner reconsider her position on the meaning of the phrase "substantially free of superabsorbent material" and, for the reasons noted above, withdraw this grounds for rejection.

The Rejection of Claim 14 Under 35 U.S.C. § 103

Claim 14 stands rejected under 35 U.S. C. § 103 as being unpatentable over U.S. Patent No. 5,613,962, issued to Kenmochi et al. Withdrawal of this grounds for rejection is respectfully requested for the following reasons.

For the reasons noted above, the cited reference fails to teach, suggest, provide any motivation to make, or otherwise render obvious the claimed invention. Withdrawal of this grounds for rejection is respectfully requested.

The Rejection of Claim 10 Under 35 U.S.C. § 103

Claim 10 stands rejected under 35 U.S. C. § 103 as being unpatentable over U.S. Patent No. 5,733,273, issued to Ahr, in view of U.S. Patent No. 4,480,000, issued to Watanabe et al. Withdrawal of this grounds for rejection is respectfully requested for the following reasons.

The deficiencies of the Ahr reference noted above are not cured by the teachings of the Watanabe reference. Because the cited references, either alone or in combination, fail to teach, suggest, provide any motivation to make, or otherwise render obvious the claimed invention, withdrawal of this grounds for rejection is respectfully requested.

LAW OFFICES OF
CHRISTENSEN O'CONNOR JOHNSON KINDNESS^{PLLC}
1420 Fifth Avenue
Suite 2800
Seattle, Washington 98101
206.682.8100

The Rejection of Claims 21-23 Under 35 U.S.C. § 103

Claims 21-23 stand rejected under 35 U.S. C. § 103 as being unpatentable over U.S. Patent No. 5,733,273, issued to Ahr, in view of EP 05515750, issued to Chan. Withdrawal of this grounds for rejection is respectfully requested for the following reasons.

The deficiencies of the Ahr reference noted above are not cured by the teachings of the Chan reference. Because the cited references, either alone or in combination, fail to teach, suggest, provide any motivation to make, or otherwise render obvious the claimed invention, withdrawal of this grounds for rejection is respectfully requested.

The Rejection of Claims 42-44 Under 35 U.S.C. § 103

Claims 42-44 stand rejected under 35 U.S. C. § 103 as being unpatentable over U.S. Patent No. 5,613,962, issued to Kenmochi et al., in view of U.S. Patent No. 5,649,916, issued to DiPalma et al. Withdrawal of this grounds for rejection is respectfully requested for the following reasons.

The deficiencies of the Kenmochi reference noted above are not cured by the teachings of the DiPalma reference. Because the cited references, either alone or in combination, fail to teach, suggest, provide any motivation to make, or otherwise render obvious the claimed invention, withdrawal of this grounds for rejection is respectfully requested.

The Rejection of Claim 48 Under 35 U.S.C. § 103

Claim 48 stands rejected under 35 U.S. C. § 103 as being unpatentable over U.S. Patent No. 5,613,962, issued to Kenmochi et al., in view of U.S. Patent No. 4,527,989, issued to Karami. Withdrawal of this grounds for rejection is respectfully requested for the following reasons.

The deficiencies of the Kenmochi reference noted above are not cured by the teachings of the Karami reference. Because the cited references, either alone or in combination, fail to teach,

LAW OFFICES OF
CHRISTENSEN O'CONNOR JOHNSON KINDNESS^{PLLC}
1420 Fifth Avenue
Suite 2800
Seattle, Washington 98101
206.682.8100

suggest, provide any motivation to make, or otherwise render obvious the claimed invention, withdrawal of this grounds for rejection is respectfully requested.

Rejoinder of Claims 49-55

Applicants respectfully request that Claims 49-55 be rejoined with the present application. Claims 49 and 53 have been amended to recite "superabsorbent material." Claims 49-55 were withdrawn as directed to a non-elected species (absorbent composite as acquisition layer). Applicants believe that, now that the elected species (absorbent composition as storage layer) has been examined and those claims believed to be allowable, and because the absorbent composite itself has been determined to be inventive (See Claim 1), Claims 49-55 may be properly rejoined in this application. Rejoinder and allowance of Claims 49-55 is respectfully requested.

Conclusion

In view of the above amendments and foregoing remarks, applicants believe that Claims 1-14, 16-35, 38, and 41-55 are in condition for allowance. If any issues remain that may be expeditiously addressed in a telephone interview, the Examiner is encourage to telephone applicants' attorney at 206.695.1755.

Respectfully submitted,

CHRISTENSEN O'CONNOR
JOHNSON KINDNESS^{PLLC}



George E. Renzoni, Ph.D.
Registration No. 37,919
Direct Dial No. 206.695.1755

GER:md

LAW OFFICES OF
CHRISTENSEN O'CONNOR JOHNSON KINDNESS^{PLLC}
1420 Fifth Avenue
Suite 2800
Seattle, Washington 98101
206.682.8100